

PART V - ENVIRONMENTAL CONSEQUENCES

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A. Environmental

New York State proposes to implement a Coastal Management Program that is consistent with the Federal Coastal Zone Management Act of 1972, as amended. New York's Program will further the goals of the Federal act, i.e., to protect, preserve, develop and restore our coast's land, water, and air resources so they may continue to fulfill man's present and future needs. The State's Program is designed to achieve a balance between resource development and preservation activities in the coastal area by encouraging the most environmentally appropriate uses of coastal resources and by minimizing or avoiding many of the adverse environmental consequences of coastal development.

To implement the Coastal Management Program, the State will rely upon various existing State programs (See Appendices E and F for a description of these State programs) plus the recently enacted Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42) and the Coastal Erosion Hazard Areas Act (Environmental Conservation Law, Article 34). While Coastal Management Program implementation will not significantly alter the environmental effects of any single, existing State program, the integration and coordination of these programs as required by the waterfront law will create net environmental benefits for the State's coastal area.

The Waterfront Revitalization and Coastal Resources Act (WRCRA) provides for a balanced statewide approach for encouraging development in coastal areas while protecting natural resources. The WRCRA establishes the boundaries of New York State's coastal area by formally adopting a map which the Department of State, with considerable local government input, has prepared. This map is on file in the Secretary of State's office as well as in the offices of affected local governments, counties, and State agencies. This legislation also calls upon local governments to prepare waterfront revitalization programs. The 240 local governments eligible to participate in this waterfront revitalization program are listed in Table 3 in Part IV of this document. Participation in this program is at the option of the municipalities. As of this writing, there are approximately 50 communities eager to develop local waterfront revitalization programs. Because of previous work and cooperation with the Department of State, as many as 15 communities are likely to have an approved program early in the first year. Should they

government not exercise its right to regulate such areas, the county, or finally, the State Department of Environmental Conservation would promulgate regulations for that community.

The New York State Coastal Management Program has been designed to improve the management of the State's coastal resources. To achieve this end, the Program includes a set of coastal policies applicable to State agency actions in the coastal area which (1) steer development away from environmentally sensitive areas such as fish and wildlife habitats, wetlands, and scenic areas; (2) channel waterfront development and revitalization activities towards areas which are either without ecological and physical development constraints or areas which had once been developed but need rehabilitation; (3) promote the proper use, development or preservation of coastal erosion hazard areas such as beaches, bluffs, dunes, and barrier islands; and (4) encourage wise utilization of coastal resources which are renewable (e.g., commercial fisheries) and non-renewable (e.g., underwater sand and gravel deposits). These coastal policies will provide a comprehensive framework to guide future resource management and land use decisions by State, and where appropriate, Federal and local agencies.

The formal and legal integration of decision-making by Federal, State and local government agencies will achieve better management and utilization of the State's coastal resources. Improved communication and coordination of all three levels of government will be achieved by implementing the consistency provisions of State and Federal legislation and through the development, approval and implementation of local waterfront revitalization programs. Through these inter-governmental coordination procedures, resource use conflicts will either be resolved more quickly and efficiently or avoided altogether. By alleviating resource development pressures, the Program will help prevent over-exploitation of particular renewable coastal resources. Also, the possibility of identifying underutilized resources is increased with improved inter-governmental communication.

Another means by which the State Coastal Management Program will provide for environmentally appropriate uses of coastal resources and minimize many of the otherwise adverse environmental consequences of coastal development is by using the natural and cultural resource inventory, provided for in the Waterfront Revitalization and Coastal Resources Act. This inventory will provide a consolidated source of information which will be valuable to public agencies and private developers in the identification of potential sites for a specific use or development activity.

1. Unavoidable Adverse Environmental Effects

New York State's Coastal Management Program is not expected to have many unavoidable adverse environmental effects.

The Program will encourage new water-dependent development to locate in areas which are already developed and/or which are environmentally suitable for such development. This new development may increase air and water pollution, but these unavoidable effects are regulated under existing programs so that State air and water quality standards are not violated. New development may also require dredging of channels, but these activities must be conducted according to existing State and Federal regulations so as to reduce adverse impacts on water quality, fish and wildlife habitats, and other natural resources.

Another unavoidable effect may be short-term economic losses that might occur by favoring water dependent uses which at the time may not be the most profitable or desired use of waterfront lands. Although every effort will be made to find ways to offset this economic loss, there probably will be instances where this cannot be done.

Irreversible and Irretrievable Commitments of

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State adoption and Federal approval of the Coastal Management Program will not in and of itself lead to losses of coastal resources. The implementation of coastal management policies will affect the actions of State agencies and participating local governments in the coastal area, and may thereby result in irreversible and irretrievable commitments of resources. For example, policies to channel growth to already-developed locations along the coast and to give priority to water dependent uses will lead to increased development at these sites and result in irreversible commitments of resources. Development activity necessarily results in the affected site being committed to the new use for an indefinite period of time, and can practically be considered irreversible and irretrievable.

1. Selected amendments to the existing SEQR regulations;
2. Regulations to be promulgated by the Department of State.

The former address Type I and Unlisted Actions in the coastal area, which require the preparation of an environmental impact statement. The amendments to Section 617.9 require State agency actions to be consistent with the coastal policies. Where appropriate, the agency would also find that its action is consistent to the maximum extent practicable with an approved waterfront revitalization program.

The Department of State's regulations cover Type I and Unlisted Actions in the coastal area which do not have a significant effect upon the environment. Specifically, the filing of a certification of consistency with the Secretary of State will be required for direct and funding actions. A similar certification will be necessary for all actions where an approved local waterfront revitalization program is in effect.

Section 600.5 of the Department's regulations contains the coastal policies which are to be used in determining the consistency of a proposed action.

The principal advantages of using these procedures to implement the State consistency provisions are described in Part III.

C. Economic

Federal approval of the State's Program may result, subject to Congressional appropriations, in increased Federal financial assistance for program administration and managing coastal resources. Program approval would also mean grants may be available, subject to Congressional appropriations, for responding to anticipated impacts of coastal energy activity under Section 308, the Coastal Energy Impact Program. The Federal act also authorizes grants for marine and estuarine sanctuaries. Available Federal funds may be used to improve the capacity of the State and local governments to manage New York's coastal resources. Also, these Federal dollars, matched by State funds, may provide the impetus for waterfront revitalization projects which will have local and possibly regional economic benefits.

A net gain in the number of jobs in the State may be anticipated as a result of the Coastal Management Program. First, program policies do not infringe on existing economic activities and, therefore, no existing jobs should be lost. Further, as a consequence of Program support for new coastal-related enterprises, employment levels can be expected to rise. Such enterprises include fishing, agriculture, recreation and tourism industries as well as ports, boat construction and other concerns requiring waterfront space. Finally, by improving the natural and economic environment of coastal areas, the Program should help to improve the entire State's image as a good place in which to develop new enterprises and thus new jobs.

As a result of new water-related development, it may be necessary for localities to make major capital investments for infrastructure and building rehabilitation. Such investments are likely due to the Program's emphasis on channeling growth to developed areas where existing infrastructure can accommodate growth.

Local tax revenues will also be affected as a result of water-related development and natural protection policies of the coastal program. The designation, by local governments, of certain coastal areas for water-dependent development may increase property tax revenues from these areas. This new development may reduce the value of adjacent properties if the new and existing adjacent uses are incompatible; but such a reduction will be minimized by careful selection of sites for industrial and commercial development which would be compatible with the existing adjacent uses.

The identification of some coastal areas for protection and preservation may limit property tax revenues from those areas; however, the natural and aesthetic qualities of protected areas may increase the value of adjacent or nearby property, especially residential and commercial property.

Coastal management policies directed particularly at identifying and managing erosion and flood hazard areas may, in the short term, reduce tax revenues to the extent that more stringent development restrictions on private property will reduce the value of the property, and therefore the property tax revenues. However, in the long term, identification of these areas should have beneficial impacts by preventing unwise development and thus eliminating or reducing the need for government disaster relief as well as expenditures to replace, repair or reconstruct damaged roads, sewers and other infrastructure.

In regard to energy conservation, the Program advocates concentration of new development in appropriate areas, which may help to reduce future energy consumption for transportation. Also, any rejuvenation of port facilities may result in shifts to use of water transportation for some commodities. Because ships and barges are an energy-efficient means of transportation, some conservation of energy may be a consequence of the Program's policy to favor port development.

F Social

The Program is expected to have a favorable social impact. The Program seeks to create a heightened awareness of the relationship between land and water and between people and their environment. As a result, they will be able to make decisions that will ultimately improve the quality of life along the waterfront. A deteriorated waterfront is an economic and psychological burden; but a vibrant waterfront area can serve as a catalyst for areawide economic rejuvenation and foster a sense of community pride.

A positive social impact will result from the policy of favoring redevelopment of waterfront areas. Revitalized urban coastal areas will draw people back to the urban center. Thus, there will be greater opportunities for positive social interaction.

Another favorable social impact will result from the Program policies to increase public access to the shore. The poor and less mobile people have often been denied the opportunity to enjoy the State's coastlines. Improved public transportation, more public access points and increased amounts of park acreage will contribute to more use of the shore by all segments of the population.

A possible negative social impact of the Program would be perceived infringement on private property rights brought about by governmental efforts to increase public access to the coast. The Program recognizes that some fears are justified; however, it advocates that efforts to increase public access be undertaken judiciously, without limiting property rights and without taxing the carrying capacity of any given resource.